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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,890	09/29/2003	Yasuhiro Abe	848075-0058	1991
29619	7590	12/29/2005	EXAMINER	
SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/673,890

Applicant(s)

ABE, YASUHIRO

Examiner

Khai M. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/25/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The references listed in the Information Disclosure Statement filed on November 25, 2005 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

### ***Response to Amendment***

2. This Office Action is response to Amendment filed on 10/20/2005.

Claims 1-12 are pending.

Fig.2 should be objected to because it should be labeled as "Prior Art"

Claim 1, line 8 the word "far" should be "for".

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawasaki et al. (U.S.Pub-20020058527).

Regarding claim 1, Kawasaki teaches a portable terminal comprising:

a first housing having a display unit (fig.1, element 2, paragraph 0022);

a second housing having a main input unit (fig.1, element 1, paragraph 0020),  
and connected openably and closably to said first housing (fig.1-2, elements 12-14,  
paragraph 0021); and

an auxiliary input unit arranged on a surface other than mutually facing surfaces  
of both of said housings in a closed state (fig.1-2, elements 12-14, paragraph 0021);  
wherein said display unit is visible to a user in said closed state and an opened state  
(fig.2a-2b, paragraph 0021), adapted to display a first selection screen which is  
appropriate for an operation by said auxiliary input unit when both of said housings are  
in said closed state (fig.2a-2b, element 22, paragraph 0021), and adapted to display a  
second selection screen which is appropriate for an operation by said main input unit  
when both of said housings are in said opened state (fig.1-2, element 21, paragraph  
0020-0023).

Regarding claim 2, Kawasaki teaches a portable terminal according to claim 1, wherein said first selection screen arranges items one-dimensionally (fig.2a-2b, element 22), and said second selection screen arranges items multi-dimensionally (fig.1-2, element 13-14, paragraph 0012, 0032).

Regarding claim 3, Kawasaki teaches a portable terminal according to claim 2, wherein said items of said first selection screen are based on characters (fig.2a-2b, element 12), and said items of said second selection screen are icons (fig.1-2, element 13-14, paragraph 0012-0013, 0032).

Regarding claim 4, Kawasaki teaches a portable terminal according to claim 1, further comprising:

a state detecting device which detects opening and closing of said first housing and said second housing (fig.3, element 17, paragraph 0026); and

a control device which switches a display screen on said display unit (fig.1-3, paragraph 0012-0013, 0027) ; wherein said control device switches between said first selection screen and said second selection screen in accordance with a state detected by said state detecting device (paragraph 0026-0027).

Regarding claim 5, Kawasaki teaches a portable terminal according to claim 4, wherein items on said first selection screen are based on characters (fig.2a-2b, element 12), items on said second selection screen are based on icons (fig.1-2, element 13-14, paragraph 0012, 0032), and when a selection screen has been switched in response to an opening action or a closing action from a state in which an item on said first or said second selection screen has been selected (fig.1-3, paragraph 0026-0027), said item remains selected in a form of a character or an icon corresponding to said first or said second selection screen (fig.1-3, paragraph 0012-0013, 0026-0027).

Regarding claim 6, Kawasaki teaches a portable terminal according to claim 1, wherein said main input unit includes a key capable of being two-dimensionally operated, and said auxiliary input unit includes a lever capable of being one-dimensionally operated (paragraph 0012-0013, 0021).

Regarding claim 7, Kawasaki teaches a portable terminal according to claim 1, wherein said portable terminal is a personal digital assistant (fig.1-2, abstract).

Regarding claim 8, Kawasaki teaches a portable terminal according to claim 1, wherein said portable terminal is a portable telephone (fig.1-2, abstract).

Regarding claim 9, Kawasaki teaches a portable terminal comprising:

a first housing having at least a display unit (fig.1, element 2, paragraph 0022);

a second housing having at least a main input unit (fig.1, element 1, paragraph 0020), and connected openably and closably to said first housing (fig.1-2, elements 12-14, paragraph 0021); and

an auxiliary input unit arranged on a surface other than mutually facing surfaces of both of said housings in a closed state (fig.12, elements 12-14, paragraph 0021); wherein said display unit is visible to a user in said closed state and an opened state (fig.2a-2b, paragraph 0021), adapted to display a first selection screen arranging items one-dimensionally when both of said housings are in said closed state (fig.2a-2b, element 22, paragraph 0012-0013, 0021), and adapted to display a second selection screen arranging items multi-dimensionally when both of said housings are in said opened state (fig.1-2, element 21, paragraph 0012-0013, 0020-0023).

Regarding claim 10, Kawasaki teaches a portable terminal according to claim 9, wherein said main input unit includes a key capable of being two-dimensionally operated (fig.1-2, element 21, paragraph 0012-0013, 0020-0023), and said auxiliary input unit includes a lever capable of being one-dimensionally operated (fig.1-2, element 21, paragraph 0012-0013, 0020-0023), and wherein said items on said first selection screen can be selected by said lever operation, and said items on said second selection

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screen can be selected by said key operation (fig.1-2, element 21, paragraph 0012-0013, 0020-0023).

Regarding claim 11, Kawasaki teaches a portable terminal according to claim 9, wherein said portable terminal is a personal digital assistant (fig.1-2, abstract).

Regarding claim 12, Kawasaki teaches a portable terminal according to claim 9, wherein said portable terminal is a portable telephone (fig.1-2, abstract).

#### ***Citation of Pertinent Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Nakamura et al.** (U.S.Pub-20020033798) discloses Pointing device.

**SanGiovanni** (U.S.Pub-20050107138) discloses Modular two-body design for integration of mobile computing device features with a wireless communication device.

**Sawada et al.** (U.S.Pat-6862459) discloses Switching device.

**Takahashi** (U.S.Pat-6662244) discloses Information terminal.

**Kumagai et al.** (U.S.Pat-6731959) discloses Portable telephone set with hinged LID.

**Suso et al.** (U.S.Pat-6466202) discloses Information terminal unit.




***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen  
Au: 2687

  
**ELISEO RAMOS-FELICIANO**  
**PATENT EXAMINER**

12/23/2005